

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**COMPANY PETITION No. 186 of 2005****For Approval and Signature:****HONOURABLE MR.JUSTICE R.S.GARG**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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CHARANJEET SINGH B. MOHEL - Petitioner(s)
Versus
MISHIKA PAPER MILL LTD. - Respondent(s)

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Appearance :

MR ASIT JOSHI for Petitioner(s) : 1,
None for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG**Date : 20/04/2006****ORAL JUDGMENT**

1. Mr. Asit Joshi, learned counsel for the petitioner.
None for the respondent.
2. The petitioner has filed the present petition, submitting, inter alia, that he had done some land filling work under the instructions of the respondent

company and thereafter submitted the bill of Rs. 70,000/-, which was required to be paid within seven days, but the amount was not paid, therefore, statutory notice was issued on 12.8.2005, despite service of the notice, the respondent did not send any reply nor made any payment. The present petition appears to have been filed on 27th October, 2005. On 19.12.2005, the Court directed notice to the respondent company to show cause against the admission and further cause to show as to why the petition be not admitted, allowed and the company be not wound up. Notices were served upon the respondent company, but nobody appeared for the respondent or raised any objection. On 7.2.2006, the Court admitted the petition and directed that the hearing be advertised in two daily newspapers. On 3.4.2006, when the matter was again taken up by the Court, the Court observed that there appeared to be some mistake relating to authorized capital, number of the shares and paid up capital of the respondent company. The Court required the petitioner to file necessary amendment. The petitioner has filed necessary amendment, submitting inter alia, that the correct figure is Rs.6.00 crores and by mistaken has been shown to be Rs.60.00 crores and figure of Rs. 19.00 crores

has been shown while the correct figure is Rs. 1,90,00,000/-.

3. Despite the advertisement of the hearing, nobody has chosen to appear in the Court to oppose the petition or winding up of the company.
4. In the absence of any challenge to the pleadings raised by the petitioner, I will accept the submissions to be correct and final. I have no reason to hold that the company is financially sound, rather I will have to hold that the company is financially bankrupt and is unable to pay its debts. Even, the conduct of the company in not appearing in the Court despite notice and advertisement would persuade me to hold that the company is not interested in continuing its affairs. The respondent company is directed to be wound up. The Official Liquidator, associated with this Court is appointed as Official Liquidator within eight weeks from today. He shall take possession of the property (movable/immovable), belonging to the company, all the account books, cash in hand/cash in bank accounts of the respondent company. He would be entitled to take the services of the official valuer for preparation of inventory and simultaneous valuation report. He would also be entitled to take police assistance for removal

of resistance, if offered on the site. The petition is allowed. Let the Official Liquidator submit his report within ten weeks.

[R.S. GARG, J.]

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